


**IN THE UNITED STATES DISTRICT
COURT FOR THE EASTERN DISTRICT
OF TEXAS MARSHALL DIVISION**

NETLIST, INC.,)	
)	
Plaintiff,)	
)	Case No. 2:22-cv-293-JRG
vs.)	
)	JURY TRIAL DEMANDED
SAMSUNG ELECTRONICS CO, LTD;)	(Lead Case)
SAMSUNG ELECTRONICS AMERICA, INC.;)	
SAMSUNG SEMICONDUCTOR INC.,)	
)	
Defendants.)	

NETLIST, INC.,)	
)	
Plaintiff,)	
)	Case No. 2:22-cv-294-JRG
vs.)	
)	JURY TRIAL DEMANDED
MICRON TECHNOLOGY, INC.; MICRON)	
SEMICONDUCTOR PRODUCTS, INC.;)	
MICRON TECHNOLOGY TEXAS LLC,)	
)	
Defendants.)	

**DECLARATION OF STEPHEN M. PAYNE IN SUPPORT OF
PLAINTIFF NETLIST, INC.'S REPLY IN SUPPORT OF MOTION FOR
SUMMARY JUDGMENT THAT THE ASSERTED PATENTS ARE NOT
STANDARD ESSENTIAL (DKT. 356)
(SAMSUNG CASE NO. 2:22-CV-293)**

I, Stephen M. Payne, declare as follows:

1. I am an attorney at the law firm of Irell & Manella LLP, counsel of record for Plaintiff Netlist, Inc. (“Netlist”) in the above-captioned action. I am a member in good standing of the State Bar of California and have been admitted to practice *pro hac vice* before this Court in this action. I provide this declaration in support of Netlist, Inc.’s Reply to Motion for Summary Judgment that the Asserted Patents Are Not Standard Essential (Samsung Case No. 2:22-CV-293). I have personal knowledge of the facts stated herein, and could and would testify completely thereto if called as a witness in this matter.

2. Attached as **Exhibit 21** is a true and correct copy of Exhibit A-1 to Netlist’s infringement contentions for US Patent No. 7,619,912 – DDR4.

3. Attached as **Exhibit 22** is a true and correct excerpt of the Pretrial Hearing Transcript in *Netlist v. Samsung*, No. 21-cv-463 (E.D. Tex.), dated March 28, 2023.

4. Attached as **Exhibit 23** is a true and correct copy of Dkt. 478 in *Netlist v. Micron*, No. 22-cv-203 (E.D. Tex.), dated January 31, 2024.

5. Attached as **Exhibit 24** is a true and correct excerpt of Samsung’s Supplemental Objections and Responses to Netlist’s Amended First Set of Interrogatories (Nos. 1-20), dated November 20, 2023.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on February 7, 2024.

By /s/ Stephen M. Payne
Stephen M. Payne